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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,623

09/26/2003

Steven Tysoe

134763

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09/26/2011

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EXAMINER

LE, HOA T

ART UNIT

PAPER NUMBER

1788

MAIL DATE

DELIVERY MODE

09/26/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/672,623

Applicant(s)

TYSOE ET AL.

Examiner

Hoa (Holly) Le

Art Unit

1788

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-7 and 25-36 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-7, 25-36 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

The examiner has gained specific knowledge of the existence of a particular reference which indicates nonpatentability of at least one appealed claims. Authorization to reopen prosecution under 37 CFR 1.198 for the purpose of entering the new rejection is given via the TC Director's signature below. See MPEP § 1002.02(c) and MPEP § 1214.04 and 1214.07.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. **Claims 1 and 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Moro (US 6,940,388).** This rejection has been affirmed by the Board in a decision rendered on June 14, 2011. The period under 37 CFR 1.304 for seeking court review of the decision by the Board of Patent Appeals and Interferences has expired and no further action has been taken by appellant. The proceedings as to the rejected claims 1 and 4-7 based on Moro are considered terminated; see 37 CFR 1.197(b).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 and 25-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Iorio (US 7,041,148).

Claims 1 and 2: Iorio teaches a soft magnetic particle comprising soft magnetic material and an electrically insulating material disposed on the magnetic material (col. 2, lines 16-21). The magnetic material has an elongated shape, i.e. high aspect ratio (col. 3, lines 60-67). The insulating material is present from 0.05 to about 1 wt% (col. 5, lines 6-10).

Claim 3: The electrically insulating material comprises silicone (col. 5, lines 17-20).

Claims 4 and 5: The soft magnetic material comprises Fe or an Fe alloy containing Si, Al, Ni, Co, P and/or B (col. 3, lines 27-32).

Claim 6: The soft magnetic particle has an aspect ratio of 3 to 100, particularly about 40 (col. 4, lines 1-4).

Claim 7: The soft magnetic portion has a cross-sectional shape including rectangular shape, a polygonal shape, or circular shape (col. 3, lines 64-66). Note that the circular shape also includes elongated circular due to the high aspect ratio as discussed in claim 6 above.

Claims 25 and 31: Iorio teaches a soft magnetic particle comprising soft magnetic material and an electrically insulating material disposed on the magnetic material (col. 2, lines 16-21). The magnetic material has an elongated shape, i.e. high aspect ratio (col.

3, lines 60-67). The insulating material is present from 0.05 to about 1 wt% (col. 5, lines 6-10), which includes the claimed 0.05 to 0.15 wt%.

Claims 26 and 32: The electrically insulating material comprises silicone (col. 5, lines 17-20).

Claims 27, 28, 33 and 34: The soft magnetic material comprises Fe or an Fe alloy containing Si, Al, Ni, Co, P and/or B (col. 3, lines 27-32).

Claims 29 and 35: The soft magnetic particle has an aspect ratio of 3 to 100, particularly about 40 (col. 4, lines 1-4).

Claims 30 and 36: The soft magnetic portion has a cross-sectional shape including rectangular shape, a polygonal shape, or circular shape (col. 3, lines 64-66). Note that the circular shape also includes elongated circular due to the high aspect ratio as discussed in claims 29 and 35 above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa (Holly) Le whose telephone number is (571)272-1511. The examiner can normally be reached on 12:30 p.m. to 9:00 p.m. (EST), Mondays to Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alicia Chevalier can be reached on 571-272-1490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hoa (Holly) Le/
Primary Examiner, Art Unit 1788

/KAREN M. YOUNG/
Director, Technology Center 1700